

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 10 OF THE CITY OF ATLANTA CODE OF ORDINANCES IN ORDER TO ESTABLISH REQUIREMENTS AND REGULATIONS REGARDING THE ISSUANCE AND MAINTENANCE OF ALCOHOL BEVERAGE CATERING LICENSES AND EVENT PERMITS; TO REPEAL ALL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.

**WHEREAS**, the General Assembly of the State of Georgia has enacted legislation which authorizes local authorities to issue alcoholic beverage catering licenses and event permits to those persons who hold valid licenses to sell malt beverages, wine or distilled spirits either by the drink for consumption on the premises or by the package for consumption off the premises so that such persons may cater authorized functions off the premises; and

**WHEREAS**, the State of Georgia Department of Revenue Alcohol and Tobacco Tax Unit has promulgated rules and regulations for the issuance of alcoholic beverage catering license and event permits by local authorities; and

**WHEREAS**, the City of Atlanta does not currently issue licenses to alcohol beverage caterers nor does it issue event permits for catered functions within the City but desires to issue such licenses and permits; and

**WHEREAS**, because the City of Atlanta has an interest in the safety of its citizens and has discretion in the regulation of the sale of alcoholic beverages, it is necessary to establish regulations and requirements in order that such licenses and permits may be issued by the City of Atlanta; and

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS** as follows:

**Section 1.** That Chapter 10, Article I, Section 10-1 of the Code of Ordinances of the City of Atlanta be hereby amended to include the following definitions:

**Event** means an authorized catered function which lasts for a period not to exceed twenty-four hours and during which the sale of alcohol occurs only between the hours of 9:00 a.m. and 12:00 a.m. midnight.

**Food Caterer** means any person who prepares food for consumption off the premises.

**Licensed Alcoholic Beverage Caterer** means any retail dealer licensed to sell alcoholic beverages in the City of Atlanta.

**Person** means any individual, company, corporation, association, partnership, or any other legal entity.

**Section 2.** That Chapter 10, Article B be hereby amended by adding the following new section numbers, titles and language:

**10-130. License for off-premises catering.**

- (a) Any person who possesses a valid license from the City of Atlanta to sell malt beverages, wine or distilled spirits by the drink and/or by the package at a fixed location within the City may be issued by the City of Atlanta a license authorizing such person to sell such alcoholic beverages off the premises in connection with an authorized catered event or function.
- (b) A licensed alcoholic beverage caterer may only sell that which is authorized by his local license to sell alcoholic beverages. For example, if the alcoholic beverage caterer possesses a valid license to sell malt beverages, he may only sell malt beverages at the authorized catered event or function.
- (c) Any person who desires to obtain a license pursuant to this section shall submit an application for an off-premises alcoholic beverage catering license to the License and Permits Unit of the Atlanta Police Department on forms to be provided by the Atlanta Police Department. The license may be applied for at the same time as the City of Atlanta license(s) to sell alcoholic beverages or at any other time. The application fee for an alcoholic beverage catering license shall be three hundred (\$300.00) dollars.
- (d) The City of Atlanta shall issue the alcoholic beverage caterer's license in conformance with the City of Atlanta Code of Ordinances Chapter 10, entitled "Alcoholic Beverages,"

pertaining to the issuance of new licenses to sell alcoholic beverages in the City of Atlanta, except that no advertisement of application for such license shall be required, no investigation by either the bureau of buildings or the fire department shall be required, nor shall it be necessary to obtain approval of any Neighborhood Planning Unit. No alcoholic beverage caterer's license shall be issued unless it is approved by the mayor.

- (e) A license fee of \$5000.00 shall be charged to each person obtaining a City of Atlanta alcoholic beverage catering license.
- (f) It shall be unlawful for any person to engage in, carry on or conduct the sale or distribution of alcoholic beverages off premises and in connection with a catered event or function without first having obtained a license as provided herein.
- (g) A licensed caterer must:
  - (1) Have been issued a license from the board of health of the county within which their business is located;
  - (2) Have been issued a business license from the local government within which the business is located;
  - (3) Have a commercial kitchen;
  - (4) Be insured for at least \$1,000,000.00 and be bonded

#### **10-131. Food caterers.**

Any food caterer, as defined herein, operating within the City of Atlanta shall apply for an alcoholic beverage caterer's license in order to distribute or sell any distilled spirits, malt beverages or wine off the premises of the food caterer's business. This does not affect any requirements that the food caterer have a license to sell alcoholic beverages on the premises of the food caterer's business.

#### **10-132. Event Permit, Application, and Fee.**

- (a) Exclusive of the license required herein, each alcoholic beverage

caterer wishing to sell or distribute distilled spirits, malt beverages, or wine at an authorized catered event or function within the City of Atlanta must make written application at least thirty (30) days prior to the date of such event or function to the License and Permits Unit of the Atlanta Police Department for that privilege upon forms provided by the Atlanta Police Department. The application for the event shall state the name and address of the applicant; the date, time, nature, and name of the event; the address of the event and whether such address is a residence; the person responsible for the event with whom the City can make contact; the quantity of alcoholic beverages to be transported from the licensee's primary location to the location of the authorized catered event or function; and the license numbers of the applicant's local and state liquor licenses and the applicant's alcoholic beverage catering license. In the application, the applicant must certify that the principal business of the caterer in regard to the event shall be the serving of prepared meals and foods and that the serving of alcoholic beverages to be consumed on the premises is only incidental thereto.

- (b) The applicant shall further certify that the catering of alcoholic beverages during the event shall generate less than 50% of the caterer's gross revenue obtained from the event. The applicant must also state whether he has been issued an event permit in the past. In addition, all applicants shall obtain clearance from the department of finance on forms to be approved and provided by the Licenses and Permits Unit indicating that the applicant has no outstanding balance with the City of Atlanta in relation to alcohol sales or catering events. If the caterer is delinquent on the payment of taxes, no event permit shall be issued until such taxes are paid. The applicant must also provide in its application copies of state and local licenses including the alcoholic beverage caterer's license. In addition, the applicant must submit along with the application for each event a schedule detailing the event, including the prepared meals or food and the type of alcoholic beverages which will be provided. The applicant must furnish any other information requested by the Atlanta Police Department prior to obtaining the event permit.
- (c) The application shall state the location of the event or function

named in the event permit application. If the location of the event is a residence, the delivery of alcoholic beverages by the caterer to the event shall not take place more than 48 hours prior to the time the event is to begin. In addition, if the location of the event is a residence or within 300 feet of a residence, then the sale of alcoholic beverages by the drink during the event shall be prohibited, nor shall donations be accepted to cover the cost of the alcoholic beverages served.

- (c) When the alcoholic beverage caterer applying for an event permit in the City of Atlanta holds an alcoholic beverage caterer's license from a political subdivision other than the City of Atlanta, a fee of \$50.00 shall be submitted by the caterer upon the issuance of the event permit. Such caterer shall also be subject to any local excise taxes on the total quantity of alcoholic beverages brought into the City of Atlanta by the caterer.
- (d) The original event permit shall be kept in the vehicle transporting the alcoholic beverages to the catered event or function, and shall be available for inspection at the catered event or function during the duration of such event or function.
- (e) No event permit shall be issued unless it has been approved by the Chief of Police or his/her designee who shall have seven (7) days from the date of the event permit application to either deny or grant. Applications for catered events may be denied or revoked by the Chief of Police or his/her designee based on violations of §§ 10-55, 10-56, 10-57(1),(2),(4),(5) and (6);10-109; and §§10-130 - 10-139 and if the applicant or permit holder has an outstanding balance owed to the City as set forth in subsection (b) above. Those applicants for a catered event who are either denied or revoked an event permit by the Chief of Police or his/her designee shall be given the opportunity to appeal such decision at the next scheduled meeting or any meeting thereafter of the City's License Review Board at which time the applicant may present evidence and cross-examine witnesses. At the meeting at which the appeal is heard, the License Review Board shall make a recommendation to the Mayor or his/her designee who shall have ten (10) days to make a decision on such appeal.
- (f) It shall be unlawful for a licensed alcoholic beverage caterer to

distribute or sell alcoholic beverages off premises except as authorized by the event permit.

- (g) The event permit will be valid for the length of the authorized event or function or as approved by the City. After expiration of the event, the alcoholic beverage caterer shall apply for a new event permit in the same manner as the original permit in order to cater other events at that or other locations.
- (h) No event permit shall be approved if the applicant has had an event permit denied or revoked by the City of Atlanta or any other jurisdiction in the two years prior to the filing of the current event permit application.
- (i) No event permit shall be approved if the applicant has been formally notified in writing that its annual license to sell alcoholic beverages will be reviewed by the City's License Review Board, or, in the case of an applicant who holds an annual license to sell alcoholic beverages in a jurisdiction other than the City of Atlanta, will be reviewed by the person or body with authority to take adverse action regarding annual licenses to sell alcoholic beverages in that respective jurisdiction. When the applicant has been formally notified of such pending adverse action, no event permit will be approved until the adverse action is resolved.

#### **10-133. Sunday Sales.**

Any alcoholic beverage caterer who wishes to cater an event or function on a Sunday must first meet the requirements contained in the Code of Ordinances of the City of Atlanta and the laws of the State of Georgia regarding alcoholic beverage sales on Sunday. Therefore, the alcoholic beverage caterer's original local liquor license must allow the sale of alcohol by the caterer in his normal course of business on Sunday.

#### **Section 10-134. Transportation and Delivery of Catered Beverages.**

The transportation and delivery of beverage alcohol by a licensed beverage alcohol caterer is subject to the following requirements and restrictions:

- (a) Delivery of beverage alcohol by a licensed beverage alcohol

caterer shall be made only in connection with an authorized catered event.

- (b) The transportation and delivery of beverage alcohol shall be made in unbroken packages only to the authorized event site and by the licensed alcohol catering establishment or employees of the licensee who are 21 years of age or above.
- (c) While transporting, delivering and retrieving beverage alcohol in connection with an authorized catered event in the City of Atlanta, the licensee or the employee of the licensed beverage alcohol catering establishment shall have in his possession, a copy of the establishment's valid state beverage alcohol license, a copy of the establishment's valid local beverage alcohol catering license, a copy of the establishment's valid local beverage alcohol catering event permit from the City of Atlanta, along with the Department of Revenue Alcohol Beverage Catering Quantity/Destination Report.
- (d) Delivery of all beverage alcohol by a licensee to an authorized catered event must be made in unbroken containers. Subsequent serving of all beverage alcohol at the authorized catered event must be by the drink.

**10-135. Restrictions.**

- (a) No person under the age of twenty-one (21) may be employed by a licensed alcoholic beverage caterer to dispense, serve, sell or handle alcoholic beverages as prohibited by O.C.G.A. § 3-11-4(e).
- (b) No alcoholic beverage caterer may distribute or sell alcoholic beverages during hours in which the sale of alcoholic beverages is prohibited in the City of Atlanta.
- (c) No event permit will be issued to any person who has not paid taxes in the City of Atlanta in conjunction with previous liquor licenses and event permits.
- (d) Restrictions on the location of catered functions and events shall be as follows:

- (1) No alcoholic beverage caterer shall cater a function or an event at any location (including any parking lots) which already has been licensed for the sale of alcoholic beverages;
  - (2) No alcoholic beverage caterer shall cater a function or event at any location for which an application for the sale of alcoholic beverages has been filed with the Atlanta Police Department and is pending during the time of the event or function;
  - (3) No alcoholic beverage caterer shall cater a function or an event within 100 feet of any location licensed to sell packaged liquor except where authorized by law.
  - (4) No alcoholic beverage caterer shall cater a function or event at any location at which a license to sell alcoholic beverages has been revoked within the two years prior to the date the application for the event permit is filed.
- (e) The licensed beverage alcohol caterer must provide such personnel as needed to handle all beverage alcohol at the authorized catered event. This shall include bar tending services, dispensing, serving, providing, or furnishing beverage alcohol. Employees of a licensed alcohol beverage caterer must be 21 years of age or older in order to have alcohol beverages at such authorized catered event.
  - (f) No event permit shall be issued to any licensed alcoholic beverage caterer who fails to comply with any provision of this alcoholic beverage caterer's code or any other applicable provision of the City's Alcoholic Beverages Code..
  - (g) All event permits issued pursuant to the City of Atlanta alcoholic beverage catering code shall automatically become invalid upon the revocation of a licensed alcoholic beverage caterer's local annual catering license.
  - (i) All catering licenses and event permits issued pursuant to the City of Atlanta alcoholic beverage catering code shall



automatically become invalid upon the revocation of a licensed alcoholic beverage caterer's local license to sell alcoholic beverages.

- (j) All catered events shall be held between the hours of 9:00 a.m. and 12:00 a.m. (midnight) on the day of the event.
- (k) Event permit holders shall hire security guards who shall be on duty at all times during which the event is held. There shall be one security guard hired for every one hundred persons attending the catered event. For example, one security guard shall be hired for events at which between 1 and 100 persons shall attend. Two security guards shall be hired at events at which between 101 and 200 persons shall attend, and so forth. In addition, all caterers are responsible for hiring any additional security that may be needed to accommodate the particular event.

#### **10-136. Violations.**

Any person or entity violating any provision of this ordinance shall be guilty of an offense and upon conviction thereof shall be punished as provided in section 18-1008 of the City of Atlanta Code of Ordinances. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this ordinance is committed, continued, or permitted by such person, and shall be punished accordingly. A fine up to and including the amount of \$1,000.00 per offense may be assessed against such person or entity in lieu of or in addition to the penalties described herein for the violation of any provision of this ordinance.

#### **10-137. Adverse Action Regarding Alcohol Beverage Caterer's License and Event Permits.**

An alcohol beverage caterer's license, including annual and renewal licenses, shall be subject to denial, suspension, revocation, and fines pursuant to the grounds and procedures set forth in Section 10-57 and 10-109 of this Chapter. In addition, the dispensing of alcoholic beverages to a person under the age of 21 during a catered event shall be grounds for the revocation of an annual caterer's license.

**Section 10-138. Fees for annual and renewal alcoholic beverage catering licenses; Conditions.**

Upon the filing of an application and payment of a filing fee of \$300.00 and a license fee of \$5,000.00, and after investigation by the department of police and review by the license review board, the mayor may issue an annual or a renewal license to an individual or organization for the sale of alcoholic beverages for consumption off-premises to be used in conjunction with catered functions or events and only under the following conditions:

- (1) The applicant must already hold an annual license for the sale of alcoholic beverages in the City of Atlanta.
- (2) The license will allow the sale of alcoholic beverages beyond the premises described in the annual license once an event permit has been issued.
- (3) All applicants and permit holders must comply with all state statutes governing the sale of alcoholic beverages, and all city ordinances governing such sales; including but not limited to ordinances relating to the hours of operation and distance requirements.
- (4) All alcohol beverage caterer licenses expire on December 31 of the year that such license was issued.

**Section 10-139. Fees for event permits.**

In order to distribute or sell distilled spirits, malt beverages, or wine at an authorized catered function in the City of Atlanta:

- (1) A licensed alcoholic beverage caterer shall be required to apply to the City of Atlanta for an event permit and pay an application fee of \$30.00 for each event permit.
- (2) A licensed alcoholic beverage caterer licensed in a political subdivision other than the City of Atlanta shall be required to pay a permit fee of \$50.00 dollars for each event permit it obtains from the City of Atlanta.
- (3) The City of Atlanta shall levy a local excise tax on the total

quantity of alcoholic beverages brought into the City of Atlanta by any licensed alcoholic beverage caterer licensed in a political subdivision other than the City of Atlanta who caters an event in the City of Atlanta.

**Section 3.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

RCS# 3298  
11/19/01  
5:22 PM

Atlanta City Council

Regular Session

MULTIPLE

Public Safety Ordinances #1 thru #17  
Except #8, #11, 18; Resol #1 through #2  
FILE

#12 > 98-0-0799

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 3

Y McCarty	B Dorsey	Y Moore	Y Thomas
B Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE

98-0-0799

(Do Not Write Above This Line)

AN ORDINANCE  
BY COUNCILMEMBER C.T. MARTIN

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA BY CREATING A NEW SECTION 10-130 WHICH SHALL PROVIDE FOR THE LICENSING OF ALCOHOLIC BEVERAGE CATERERS AND TO REQUIRE THAT ALCOHOLIC BEVERAGE CATERERS OBTAIN AN EVENT PERMIT WHEN CATERING AN EVENT OR FUNCTION; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

FILED BY  
CITY COUNCIL

NOV 19 2001

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☒ PERSONAL PAPER REFER

Date Referred

4/20/98

Referred To:

Public Safety

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred to

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

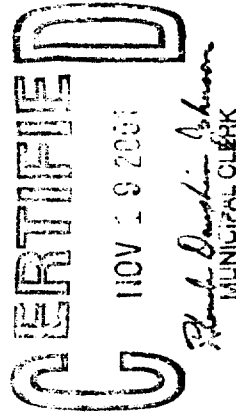
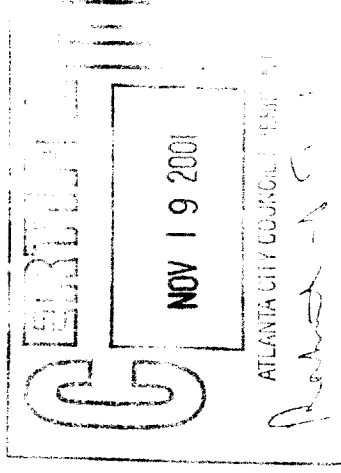
FINAL COUNCIL ACTION

☐ 2nd☐ 1st & 2nd☐ 3rd

Readings

☐ Consent☐ V Vote☐ RC Vote

CERTIFIED



MAYOR'S ACTION